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BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

In the Matter of

EDWARD LIPAN, M.D.

Holder of License No. **21830** For the Practice of Medicine In the State of Arizona.

Board Case No. MD-00-0667

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

(Letter of Reprimand)

This matter was considered by the Arizona Board of Medical Examiners ("Board") at its public meeting on December 6, 2001. Edward Lipan, M.D., ("Respondent") appeared before the Board with legal counsel Jeffrey Smith, for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(I). After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of License No. 21830 for the practice of medicine in the State of Arizona.
- 3. The Board initiated case number MD-00-0667 after receiving a complaint that Respondent provided inadequate care and would not listen to a patient's ("Patient") complaints.
- 4. Patient presented to Respondent in the emergency room at Sedona Medical Center complaining of abdominal pain and nausea.
- 5. In response to the Board's queries regarding Patient's chart not indicating for how long Patient was suffering from the pain, the quality of the pain nor Patient's

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issue of nausea, vomiting and diarrhea, Respondent testified that Patient was vague with information and there was never a good quantification.

- There was nothing indicated on Patient's chart for "review of systems." 6. Respondent stated that he performed a review of systems.
- The only items noted for past history were an oophorectomy. However, 7. subsequent physicians noted that Patient had a hysterectomy about 12 months prior to the hospital visit. Subsequent physicians also noted that Patient was taking several medications, but Respondent's chart did not indicate Patient was taking any medications.
- Respondent testified that the history given by Patient did not corroborate 8. what she had indicated for medications and surgery.
- Although Respondent noted that his chart entries were limited by lack of 9. information provided by Patient, the space on the chart for indicating that a patient is a poor historian was not completed.
- Respondent testified that his examination of Patient's abdomen did not 10. reveal a "surgical abdomen" and that his working diagnosis was constipation.
- Respondent sent Patient home with a prescription for magnesium citrate, a 11. laxative.
- Giving a laxative to Patient with abdominal pain was contraindicated until a 12. bowel obstruction was ruled out as a cause of Patient's pain.
- Patient returned to see Respondent some hours later. Respondent testified 13. that he did not examine Patient on the second visit, other than by viewing Patient and Respondent testified that he believed Patient's condition had speaking with her. improved because on the first visit she arrived by ambulance and on her second visit she arrived on her own.

14. The day after Respondent treated Patient, Patient was admitted into Verde Valley Medical Center with a diagnosis of small bowel obstruction.

CONCLUSIONS OF LAW

- 1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.
- 3. The conduct and circumstances above in paragraphs 5 through 9 and 11 through 13 constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (25)(q) "[a]ny conduct or practice which is or might be harmful or dangerous to the health of the patient of the public."

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that:

Respondent is issued a Letter of Reprimand for the unprofessional conduct described above, including failure to adequately work up a patient with abdominal pain, failure to adequately document the visit and failure to appropriately screen the patient on the second visit.

RIGHT TO PETITION FOR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. Service of this order is effective five (5) days after date of mailing. If a motion

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1	for rehearing is not filed, the Board's Orde	er becomes effective thirty-five (35) days after it
2	is mailed to Respondent.	
3	Respondent is further notified that t	the filing of a motion for rehearing is required to
4	preserve any rights of appeal to the Super	ior Court.
- 5	DATED this 9th day of	uary 2002.
6	EXAMINED AND THE PROPERTY OF THE PARTY OF TH	,
7	11 48 48 4	SOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA
8	The same of the sa	
9	1913 P	Selendian Jours
10	ANON * ANO	CLAUDIA FOUTZ Executive Director
11	. T	OM ADAMS Deputy Director
12	ORIGINAL of the foregoing filed this	Deputy Director
13	day of January, 2002 with:	
14	The Arizona Board of Medical Examiners 9545 East Doubletree Ranch Road	
15	Scottsdale, Arizona 85258	
16	Executed copy of the foregoing	
17	mailed by U.S. Certified Mail this	,
18	Jeffrey B. Smith	
19	The Cavanagh Law Firm PA 1850 North Central Avenue, Suite 2400	
20	Phoenix, Arizona 85004-4527	
21	Executed copy of the foregoing	
22	mailed by U.S. Mail this g day of <u>January</u> , 2002, to:	
23	Edward Lipan, M.D.	
24	PO Box 4580 Cave Creek, Arizona 85327-4580	

Copy of the foregoing hand-delivered this

1	9 day of Junua N , 2002, to:
2	Christine Cassetta
3	Assistant Attorney General Sandra Waitt, Management Analyst
4	Lynda Mottram, Compliance Officer Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
5	Arizona Board of Medical Examiners
6	9545 East Doubletree Ranch Road Scottsdale, Arizona 85258
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